

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

First Named Inventor: BRUGGER, JAMES M.

Art Unit: 3761

Appln. No.: 10/796,898

Examiner: DEAK, LESLIE R.

Filed: March 8, 2004

Confirmation No.: 1650

FOR: NETWORK-BASED EXTRACORPOREAL BLOOD TREATMENT
INFORMATION SYSTEM

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed July 7, 2009, and to the requirement for restriction therein, Applicants hereby elect the invention of Group I, Claims 1-16 and 21-24, with traverse.

The Office Action states that the Group I invention generates process data while the Group II invention generates alarm data. The Office Action further states that the inventions are materially different based on the difference in this generated result. However, Claim 2, which has been included in Group I by the Office Action, has features related to generating an alarm output similar to Claim 17, which has been included in Group II by the Office Action. As the generation of alarm data appears to be common to certain claims in both Groups I and II, it cannot be relied upon as a basis for distinction between the Groups. Thus, the outstanding requirement for restriction is improper and should be withdrawn.

Accordingly, an action on the merits of Claims 1-24 is respectfully requested.

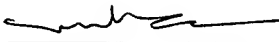
Applicants reserve the right to file one or more divisional applications with regard to any subject matter which might be considered non-elected.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T4342-14198US20) any fees under 37 C.F.R. §§1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

Date: 8/5/09

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